

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Silvers
For: WIRELESS WELL COMMUNICATION SYSTEM AND METHOD FOR USING
THE SAME
Serial No.: 10/709,648 Filed: 05/19/04
Docket No. 71568-0007 Examiner: M. Horabik
Group Art Unit: 2635

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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/Christine M. Judge/

Signature

Christine M. Judge

(type or print name of person certifying)

Date: February 14, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR §1.102(d)

Applicant hereby petitions the Commissioner to make the above-referenced application special under the provisions of 37 CFR §1.102(d). Please charge the fee associated with this petition under 37 CFR §1.17(h) of \$130 to our Deposit Account No. 50-2003.

Applicant requests advancement of the examination in the above-identified patent application under 37 CFR §1.102(d) and MPEP 708.02, II (Infringement) because of an infringement of the claims pending in this application. Applicant's attorney believes that at least some of these claims contain patentable subject matter that is being infringed by Trend Services Co. and Michael Babcock, both of Kalkaska, Michigan. Mr. Babcock is the President and owner of Trend Services Co.

The undersigned attorney has inspected photographs and other credible information from the inventor of the above identified application of an installation in the

Central Lake 15 field by Trend Services Co. and Mr. Babcock of well monitoring equipment at multiple wells in the Central Lake 15 field in Northern Michigan and a data collection station that has an Internet uplink to a remote central data storage facility ("the Trend Well Monitoring System"). The undersigned attorney has also studied the Trend Services website and found additional information as to its web hosting services for the Trend Well Monitoring System. The Trend Well Monitoring System is a system for collecting and storing well data wherein a central store collects well data from a number of remote wells through a communication network that includes a wireless well hopping system and the transmission of well data to and from a central store through the Internet. The Trend Well Monitoring System also appears to be further adapted to retrieve data from one or more well monitors upon request from one or more remote users under certain conditions.

The undersigned attorney has made a rigid comparison between the claims in this application and the Trend Well Monitoring System and is of the opinion that at least claims 1-4, 6, 9, 11-17, 19-22, 29 and 30 of the above identified patent application are allowable over all references known to applicant and have a scope which encompasses the Trend Well Monitoring System and the use of the Trend Well Monitoring System. Thus, in the opinion of the undersigned attorney, the manufacture, use, sale, or offer for sale of the Trend Well Monitoring System will likely be held to be an infringement of at least claims 1-4, 6, 9, 11-17, 19-22, 29 and 30 in the above-identified application, if issued as a patent.

A careful and thorough search has been made by Applicant's attorney as well as by the European Patent Office in a corresponding PCT patent application. The results of both searches have been submitted to the U.S. Patent and Trademark Office.

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In view of the foregoing, Applicant requests that the above-identified patent application be advanced out of order for examination at the earliest possible opportunity.

Respectfully submitted,

David Silvers

Dated: February 14, 2006

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